

APPEAL NO. 020333  
FILED MARCH 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 18, 2002. The hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the third and fourth quarters. The claimant appeals, contending that many of the reports the hearing officer relied on were outdated, that he has gotten worse, and that the hearing officer did not understand his position. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The claimant has the burden of proving entitlement to the benefits he seeks. The requirements for the entitlement to SIBs are set out in Sections 408.142(a) and 408.143 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The specific criteria at issue here is whether the claimant made the requisite good faith effort to obtain employment commensurate with his ability to work. The statutory good faith requirement may be met when a total inability to work is alleged by compliance with Rule 130.102(d)(4), which provides that the hearing officer find that the claimant is unable to perform any type of work in any capacity, that there is a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the employee is able to return to work (in any capacity). The hearing officer made specific findings on those criteria and her findings are supported by the evidence. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Accordingly, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN MOUNTAIN  
ACE USA  
6600 E. CAMPUS CIRCLE DRIVE, SUITE 200  
IRVING, TEXAS 75063.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert W. Potts  
Appeals Judge